

Changing the rules, as the Democrats are proposing to do, really is their last chance to pass their leftwing, fringe ideas. It is the last chance to pack the Supreme Court. The Democrats in this body introduced legislation to pack the Supreme Court, to add four Democrats to the Court. It is the last chance to add new States to the Union. It is the last chance to give amnesty to millions of illegal immigrants. It is the last chance before Democrats lose control of the Congress.

So why do they want to change the rules? It is because their agenda is so unpopular with the American people. They understand, as one Democrat said to another, that we have got to do it now because it is our last chance to force socialism on the American people whether they want it or not.

Instead of changing the rules, the Democrats should change their agenda. The Democrats should focus on what the American people say is important to them. It is our constituents who determine what is important to them. They are to communicate it to us. We are to represent them.

What is important to them? Well, it is getting ahead of the coronavirus, it is securing the border, and it is really to stop adding fuel to the fire of inflation when paychecks can't keep up with the costs of gas and groceries.

A Wall Street Journal story yesterday was about all of the Democrats who signed a letter saying: money from New England, Members of this body—they said energy costs are so high, the government should do something about it. This is after Joe Biden kills the Keystone XL Pipeline and stops oil and gas exploration, and their own home States are blocking pipelines which could carry inexpensive energy to the people who live there. Yet the Democrats want the government to do more. The government has done enough damage already.

There are lots of ideas that could pass the Senate and the House and be signed into law that would actually help the American people. Those are the things the American people are asking for. The American people are not asking for a blatant Democrat power grab to force through a very liberal agenda. People don't want to be muzzled. They don't want to have their voices silenced. They want real solutions. They don't want the Democrats' radical agenda.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Connecticut.

ORDER OF BUSINESS

Mr. MURPHY. Mr. President, I ask unanimous consent that the Senate vote on confirmation of the Bose nomination at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

FILIBUSTER

Mrs. CAPITO. Mr. President, I rise today to deliver I think one of my more important speeches that I will give as a Member of this body, and that is to defend the longstanding rules of the U.S. Senate.

We are at a critical moment, make no mistake. With the slimmest of majorities, the Democrats haven't been able to pass their wildly unpopular agenda, so they are considering using the nuclear option—just think of the term “nuclear option” to show you how draconian it is—to eliminate the Senate's 60-vote threshold for legislation. They are doing it under the guise of protecting voting rights, but make no mistake—this power grab is not about voting rights. Instead, it is about advancing one party's agenda.

So I would like to take a look back at what Democrats, including President Biden, have said on the issue and why they are changing their tune. We can also debunk the argument that, if given the chance, Republicans would change the rules and eliminate the filibuster as the Democrats wish to do now.

Finally and most important to me, I am going to talk about how this short-sighted move would impact West Virginians, those whom I represent here in the Senate. They are the ones who will ultimately be hurt by this reckless and irresponsible change, and it is my responsibility to do what I can to stop it.

So President Biden is in Atlanta today, taking the bully pulpit to protest a State's law that he does not like as a reason to end the filibuster. He even says this is one of those defining moments. It really is. People are going to be judged as to where they were before and where they are after the vote.

It is interesting that he would say that because I would like to remind President Biden where he was when he was Senator Biden and what he had to say about eliminating the filibuster on this very floor in 2005.

He said:

It is not only a bad idea; it upsets the constitutional design, and it disserves the country.

Well, Senator Biden, I couldn't agree more. But he is not the only one who has done a complete 180 when it comes to the filibuster.

Majority Leader SCHUMER once said it would be “doomsday for democracy”—that sounds pretty bad, “doomsday for democracy”—if the filibuster were to be eliminated, and he was right. More recently, he has called the filibuster the most important distinction between the House and the Senate. Again, I couldn't agree more.

Then, from my home State of West Virginia, the late Senator Robert Byrd, a longtime Democrat, was unequivocal in his defense of preserving Senate rules.

He wrote in 2010:

The Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray

that Senators will pause and reflect before ignoring that history and that tradition in favor of the political priority of the moment.

What would he say today?

Again, this is not about voting rights. It is important to note that we did have a record turnout in 2020. More people voted than ever before. More than 158 million ballots were cast in 2020, which is a 7-percent increase from 2016, and we didn't have this voting rights legislation. In West Virginia, we had thousands more people vote than voted in 2016. As a matter of fact, the total number of ballots that were cast in 2020 was more than in any election in our history with one exception—the 1960 election of President John F. Kennedy.

So don't believe the hyperbole. Don't believe the rhetoric. Don't take the bait. The party-wide flip-flop we are now seeing has nothing to do with voting rights. Instead, it has everything to do with paving the way for an aggressive and progressive agenda that the Democrats wish to enact.

One of the arguments from the other side that I hear all the time is, well, the Republicans would do the same thing and change the rules if given the chance. Guess what. We could have done that. Unfortunately, that argument doesn't carry much weight. Leader MCCONNELL, while sometimes under intense pressure to do this, never wavered, and we protected this institution. We didn't change the rules on the legislative filibuster when we didn't get our way. We could have, but we didn't.

Again, he knows, just as President Biden and Leader SCHUMER know, that if you can't get what you want, changing the rules is no way to govern. I certainly wouldn't run my household like that. It is no way to govern because it ultimately hurts those who sent us here to represent them.

In my home State of West Virginia, do you know what they want? They want us to work together like they saw us do on the bipartisan infrastructure bill. I hear this all the time. Bipartisanship is critical to making good and better policy, and if the Senate rules are changed, it would be a relic of the past. We just passed and signed into law the infrastructure bill that I worked to negotiate. We also passed the CARES Act. We passed opioid. We passed the Great American Outdoors Act—bipartisan.

We can do this, but if we change the rules to where only 50 votes are needed to pass legislation, there will be zero incentive or motivation for the two sides to work together. Just as bad, legislative accomplishments could be done or undone or redone and done over and over with just one flip of a Senate seat. Policies harmful to my State could be enacted: the Green New Deal, court packing, the federalizing of our elections. By the way, 54 of my 55 county clerks oppose that legislation. There would be packing the Senate with new States, defunding the police, attacking